

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ARC CONTROLS, INC.,)	
Plaintiff,)	
)	
v.)	CASE NO. 1:19-cv-00391-LG-RPM
)	
M/V NOR GOLIATH, <i>in rem</i> , and)	<i>Consolidated with:</i>
GOLIATH OFFSHORE HOLDINGS PTE.)	CASE NO. 1:19-cv-00395
LTD., <i>in personam</i>)	
_____)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON ATTORNEY'S FEES

COME NOW, Defendants, M/V NOR GOLIATH, *in rem*, (the vessel) and GOLIATH OFFSHORE HOLDINGS PTE. LTD., *in personam* (collectively “Defendants” or “Goliath”), appearing through undersigned counsel, who move this Honorable Court for summary judgment on the issue of attorneys’ fees sought by the Claimant-Intervenors in this suit. Attorneys’ fees are not recoverable in admiralty in the absence of a statute or contractual provision providing for their recovery. None of the Claimant-Intervenors in this suit had a contract with Goliath, thus, no contractual provision could provide for the recovery of attorneys’ fees. Likewise, the Commercial Instruments and Maritime Lien Act does not provide for recovery of attorneys’ fees when pursuing a maritime lien. This is a purely legal issue that can and should be disposed of on summary judgment.

WHEREFORE, for the reasons set forth herein, in the attached exhibits, and in the memorandum filed simultaneously herewith, Defendants, M/V NOR GOLIATH, *in rem*, and GOLIATH OFFSHORE HOLDINGS PTE. LTD., *in personam*, pray that after due proceedings, this Court find that the claims of the Claimant-Intervenors for attorneys’ fees be dismissed with prejudice.

Respectfully submitted:

/s/ Miles P. Clements

James G. Wyly, III, MS Bar 7415
Phelps Dunbar LLP
2602 13th Street, Suite 300
Gulfport, Mississippi 39501
info@phelps.com
Telephone: (228) 679-1130
Facsimile: (228) 679-1131
E-Mail: jim.wyly@phelps.com

-and-

Miles P. Clements, T.A. (4184)
Joseph E. Lee III (26968)
Zachary J. Ardoin (37575)
Phelps Dunbar LLP
Canal Place
365 Canal Street, Suite 2000
New Orleans, Louisiana 70130
Telephone: (504) 566-1311
Facsimile: (504) 568-9130
E-Mail: miles.clements@phelps.com
josh.lee@phelps.com

Counsel for Defendants M/V NOR GOLIATH, *in rem*, and GOLIATH OFFSHORE HOLDINGS PTE. LTD., *in personam*

Certificate of Service

I HEREBY CERTIFY that, on the 15th day of February, 2021, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, that service was accomplished through the Notice of Electronic Filing on Filing Users, and that service was accomplished on any party or counsel who is not a Filing User by other means in accordance with the Federal Rules of Civil Procedure and the Local Rules of this Court.

/s/Miles P. Clements